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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			EXAMINER ALAM, UZMA	
			ART UNIT 2157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,285

Applicant(s)

JANIK, CRAIG M.

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendments filed September 24, 2007. claims 1-20, 22, 25, 26, 30, 32, 33, 37, 38, 40-43, 45, 47, 51-55 and 59-63 have been cancelled. Claims 64 and 65 are new. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 have been amended and are pending. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 represent a apparatus and method for delivering Internet content to a variety of thin client devices.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. US Patent No. 6,170,060. Mott teaches the invention as claimed including a method for targeting a digital information device (see abstract).

As per claims 21, 64 and 65 Mott teaches an apparatus and method, comprising:

a first interface capable of coupling to a wide area network (WAN) (a client browser

219);

Art Unit: 2157

a second interface capable of coupling at least one device via a local area network (LAN) (device interface 221); and

a server having a storage device (digital files; 216), the server coupled to the first and second interfaces to retrieve content specified by a user (client site 210) via the first interface (client browser 219) from a remote facility over the WAN (network 240), to store retrieved content in the storage device, and to deliver stored, retrieved content to the at least one device (playback device 212) via the second interface (device interface 221) over the LAN (column 5, column 8, lines 5-55; Figures 2, 4 and 6);

wherein the server comprises a graphical user interface (GUI) that provides for associating content to be retrieved and stored with at least one device coupled to the LAN and for scheduling a time at which stored retrieved content is to be automatically delivered by the server to the associated at least one device coupled to the LAN (column 8, lines 5-55; it is possible to download digital content sometime after the purchase or multiple times after an initial purchase 11, 1-25; targeting a particular player column 13, lines 7-25).

As per claim 23, Mott teaches the apparatus of claim 21, wherein the GUI further provides for scheduling a time at which content is to be retrieved by the server from the remote facility over the WAN (column 8, lines 5-55).

As per claim 24, Mott teaches the apparatus of claim 21, wherein the GUI further provides for associating content to be retrieved and stored with plural devices coupled to the

Art Unit: 2157

LAN based on a schedule specified by the user (group ID, column 6, lines 1-40; column 12, lines 34-67).

As per claim 27, Mott teaches the apparatus of claim 21, wherein the LAN comprises a wireless network (column 4, lines 61-67).

As per claim 28, Mott teaches the apparatus of claim 23, wherein the GUI further provides for specifying personal preferences for content to be retrieved by the server from the remote facility (user profile; column 8, lines 1-40).

As per claim 29, Mott teaches a method, comprising:

automatically downloading content specified by a user to a server device from a remote facility over a wide area network (WAN) (files 216 downloaded through a network 240 independently; column 8, lines 38-50); and

delivering downloaded content from the server device to at least one device via a local area network (LAN) wherein the at least one device to which is to be delivered content to be downloaded is specified to the server device by the user and downloaded content is automatically delivered from the server device to the specified at least one device according to a first schedule specified to the server device by the user (download the files to the client system; column 8, lines 57-67; it is possible to download digital content sometime after the purchase or multiple times after an initial purchase 11, 1-25; targeting a particular player column 13, lines 7-25).

Art Unit: 2157

As per claim 30, Mott teaches the method of claim 29, further comprising associating the content with at least one of the devices coupled to the LAN (user preferences and profile; column 8, lines 1-40)

As per claim 31, Mott teaches the method of claim 29 further comprising downloading content to the server device from the remote facility according to a second schedule specified to the server device by the user, wherein the first and second schedules are different.

As per claim 34, Mott teaches the method of claim 29, further comprising downloading content to the server device from the remote facility as a function of personal preferences specified by the user (column 8, lines 1-40).

Claims 35-36 and 39 are rejected under the same rationale as claims 29-34 because they claim a method with same limitations as the apparatus claims 29-34.

As per claims 40 and 42, Mott teaches a method for acquiring and presenting content, the method comprising:

receiving one or more preferences from a user via a user interface for the content to be downloaded from a content server over a wide area network (WAN) (column 8, lines 38-50);

downloading the content from the content server over the WAN to a server capable of coupling one or more client devices via a local area network (LAN) according to a schedule (column 8, lines 5-55); and

Art Unit: 2157

delivering the downloaded content from the server to at least one of the one or more client devices under a control of the user (column 8, lines 57-67; column 13, lines 7-25).

As per claims 41 and 43, Mott teaches the method of claims 40 and 42, wherein the downloading is performed based further upon availability information of the content at the content server (column 5, lines 40-67; column 6, lines 1-40).

As per claim 44, Mott teaches method for presenting content, the method comprising:
selecting content to be downloaded from a Web site to a local system using a content selection interface presented at the local system (column 8, lines 5-55);

downloading the content from the Web site to the local system based on an availability of selected content at the Web site (column 8, lines 38-50); and

automatically delivering the downloaded selected content from the local system to one or more client devices at a time specified by the user using a scheduling interface of the local system (column 8, lines 57-67).

As per claim 46, Mott teaches an apparatus for viewing content, the apparatus comprising: a first data processing system capable of communicating with a remote facility over an Internet, the first data processing system having a first interface to select content stored at the remote facility and a scheduling mechanism to schedule a transaction for acquiring the selected content from the remote facility over the Internet (column 8, lines 38-50); and

Art Unit: 2157

a second data processing system communicably coupled to the first data processing system over a local area network (LAN), the second data processing system having a second interface to schedule a time for automatic delivery of acquired selected content from the first data processing system to a playback device over the LAN (column 8, lines 57-67; it is possible to download digital content sometime after the purchase or multiple times after an initial purchase 11, 1-25; targeting a particular player column 13, lines 7-25).

As per claims 48, 52 and 56, Mott teaches an apparatus, method and medium comprising: a computing device capable of communicatively coupling to a wide area network (WAN) and capable of communicatively coupling to at least one client device over a local area network (client site 210; network 240; columns 8, lines 5-25);

a first user interface executable at the computing device, the first user interface allowing a user to select content to be downloaded from a remote facility over the WAN (client browser 219);

a storage device associated with the computing device to store the downloaded content (library files 216); and

a second user interface executable at the at least one client device for selecting at least one of a plurality of client devices to which is to be delivered content to be downloaded and stored and for scheduling automatic delivery of stored downloaded content from the computing device to the selected at least one of the plurality of client device over the LAN (device interface 221 and playback device 212; column 8, lines 5-55; it is possible to download digital content

Art Unit: 2157

sometime after the purchase or multiple times after an initial purchase 11, 1-25; targeting a particular player column 13, lines 7-25).

As per claims 49, 53 and 57 the apparatus method and medium of claims 48, 52 and 56 wherein the selected content is downloaded from the remote facility to the computing device periodically (column 8, lines 30-50).

As per claims 50, 54 and 58 the apparatus method and medium of claims 49, 53 and 57 wherein periodic downloading of the selected content is performed based on availability information associated with the selected content (column 5, lines 40-67; column 6, lines 1-40).

As per claims 60 and 62, Mott teaches a method and medium, comprising:

a server receiving a request for content, the request including a schedule for periodically delivery of the requested content (library server 250; column 8, lines 5-25);

the server periodically downloading the requested content from a remote facility over a wide area network (WAN)(library site 250; column 8, lines 25-40);

storing the downloaded content at a storage associated with the server (digital files 216; column 4, lines 4-60; and

delivering the stored content from the server to at least one client device over a local area network (LAN) according to the schedule (column 8, lines 5-55).

Art Unit: 2157

As per claims 61 and 63, Mott teaches the method and medium of claims 60 and 62, wherein periodically downloading the requested content is performed further based on availability information of the requested content (column 5, lines 40-67; column 6, lines 1-40).

Response to Arguments

3. Applicant's arguments filed September 24, 2007 have been fully considered but they are not persuasive.
4. Applicants argues that the Mott makes no mention of interacting with the client computer system to establish a schedule for delivering content from the client computer system to a layback device after content is downloaded from the library server to the client computer system or interacting with the client computer system to associated a particular playback device with content to be downloaded for the purpose of automatically delivering content to a playback device when content is actually downloaded from the library server to the client computer system.
5. In response to the arguments, Mott teaches that The digital information content is typically downloaded to the client computer system 214 at the time of purchase, but it is possible to download digital information content either, 1) sometime after the purchase, or 2) multiple times after an initial purchase. The client browser 219 can be configured to download content to client computer system 214 without user intervention. This is taught in column 11, lines 1-10. Downloading sometime after the a request or purchase teaches scheduling a download as the limitation states in the claim.

Art Unit: 2157

6. Also, Mott teaches that a particular player or mobile device is targeted to download the content to. This is taught in column 13, lines 6-25. Library server 260 includes a player ID table 266 as shown in FIG. 2. Player ID table 266 includes a storage area for private IDs and public IDs. The private IDs are pre-loaded into player table 266 when a new mobile playback device is installed into the system or when a new group is established. In another embodiment, ID table 266 is a mathematical function which converts group or player public IDs. Public player and group IDs are sent by a client computer system 214 to the server 260 when the client computer system 214 desires to target a particular player 212/226 or set of mobile playback devices 212 to a particular specified digital information, software content, or configuration data selection. This teaches that the client computer system is associated to a particular playback device as taught in the claim.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2157


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 3, 2007


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